



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

2261 RFK Main Justice Building
950 Pennsylvania Avenue, NW
Washington, DC 20530

(202) 252-1000

APR - 7 2016

Society of Chinese Bioscientists in America
300 Longwood Avenue
Boston, MA 02115

Dear Members:

This responds to your letter to the Attorney General dated February 29, 2016, requesting “an independent investigation to determine if fact-finding procedures were properly followed and executed by both federal investigators and prosecutors in the [Xiafen] Chen and [Xiaoxing] Xi cases, and in particular if race, ethnicity or the national origin of Drs. Chen and Xi played any role in their arrests and indictments.”

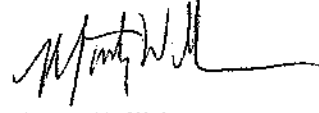
As your letter notes, neither Ms. Chen nor Dr. Xi have been tried for their alleged criminal activities. On March 10, 2015, the United States Attorney’s Office (USAO) for the Southern District of Ohio, in consultation with and without objection from Ms. Chen’s counsel, exercised its discretion to dismiss the indictment without prejudice. Similarly, on September 11, 2015, the USAO for the Eastern District of Pennsylvania, in consultation with and without objection from Dr. Xi’s counsel, exercised its discretion to dismiss the indictment of Dr. Xi without prejudice.

We appreciate your concerns about these matters, and we are in complete agreement with the sentiments expressed in your letter that race, ethnicity, and national origin should play no part in charging decisions. Department of Justice (the Department) lawyers make charging decisions based on the law and facts presented in particular cases in light of the *Principles of Federal Prosecution* set forth in United States Attorneys’ Manual § 9-27.000. See <http://www.justice.gov/usam/usam-9-27000-principles-federal-prosecution>.

We have received assurances from the respective USAOs and the Federal Bureau of Investigation that the race, ethnicity, and national origin played no role in the cases of Ms. Chen and Dr. Xi, and we are aware of no other information that would indicate that race, ethnicity, and national origin was a consideration in either case. We can assure you that if we become aware of credible allegations that impermissible considerations of race, ethnicity, and national orientation played a role in these cases or any other case brought by the Department, we will take appropriate action.

We hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Monty Wilkinson", with a long horizontal flourish extending to the right.

Monty Wilkinson
Director